



STATE OF WASHINGTON
PUBLIC DISCLOSURE COMMISSION

711 Capitol Way Rm 206, PO Box 40908 * Olympia, Washington 98504-0908 * (360) 753-1111 * Fax (360) 753-1112
Toll Free 1-877-601-2828 * E-mail: pdcc@pdcc.wa.gov * Website: www.pdcc.wa.gov

April 10, 2006

JEFFREY P WAINWRIGHT
4910 W BRIDGES RD
DEER PARK WA 99006

Subject: Complaint filed against James Oberst - PDC Case No. 06-253

Dear Mr. Wainwright:

The Public Disclosure Commission (PDC) staff has completed its investigation of your complaint received on October 3, 2005, alleging that James Oberst used the public facilities of Spokane County Fire District 8 (SCFD 8) to assist his 2005 campaign for Fire Commissioner. PDC staff reviewed the complaint in light of the following statute:

RCW 42.17.130 prohibits elected officials, their employees, and persons appointed to or employed by a public office or agency from using or authorizing the use of public facilities, directly or indirectly, for the purpose of assisting a candidate's campaign or for the promotion of, or opposition to, any ballot proposition.

The complaint alleged that James Oberst used the facilities of SCFD 8 by wearing a fire district uniform for a photograph that was later used in a political advertisement sponsored by Mr. Oberst's 2005 campaign for fire commissioner.

We found that:

- On August 17, 2005, Mr. Oberst filed a Candidate Registration Statement declaring his candidacy for Fire Commissioner in SCFD 8.
- Mr. Oberst hired a private photographer who took pictures of him on September 6, 2005 wearing an old SCFD 8 uniform. The Oberst campaign then produced and distributed a campaign mailer prior to the 2005 primary election that included a photograph of Mr. Oberst in a SCFD 8 uniform.
- Mr. Oberst stated that the uniform, patch and badge worn for one of the photographs featured in the campaign mailer were purchased by him in 1975 with personal funds.



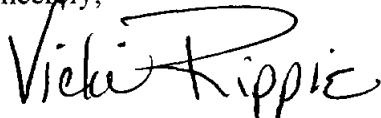
- Mr. Oberst stated that the 1975 style uniform is no longer being worn by SCFD 8 firefighters, noting that the colors and style have changed significantly over the past 30 years. In addition, he said the patch and badge featured in the photograph have been replaced and are no longer the official badge and patch for SCFD 8.
- SCFD 8 Chief William Walkup confirmed that the uniform worn in the photograph and used in the campaign mailer was an older style uniform that is no longer worn by firefighters. He said firefighters in the past have been allowed to purchase their uniform and badge from the district, and said the patch was included as part of the uniform in 1975.
- Chief Walkup said the district no longer has any records from 1975, and is unable to verify whether Mr. Oberst purchased the uniform from the district at that time. Chief Walkup confirmed that if Mr. Oberst purchased the uniform and badge, they would be considered his personal property.

The uniform worn by Mr. Oberst in the photograph included in the campaign mailer appears to be the personal property of Mr. Oberst since he claims he purchased it with personal funds 30 years ago. In addition, the uniform and badge are significantly different from the uniform and badge currently used by SCFD 8 employees. There is no evidence that the uniform featured in the campaign mailer belongs to SCFD 8. Thus, no enforcement is warranted.

After a careful review of the alleged violations and relevant facts, we have concluded our investigation and, with the concurrence of the Chair of the Public Disclosure Commission, I am dismissing the complaint filed by you against James Oberst. Mr. Oberst is being notified of this dismissal by separate letter.

If you have questions, please contact Phil Stutzman, Director of Compliance, at (360) 664-8853 or toll free at 1-877-601-2828.

Sincerely,

A handwritten signature in black ink that reads "Vicki Rippie". The signature is fluid and cursive, with the first name "Vicki" and last name "Rippie" clearly distinguishable.

Vicki Rippie
Executive Director